

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
APRIL 7, 2008

Mayor Rothschild called the meeting to order at 7:30 p.m.

Roll Call: Present: Mrs. Adele H. Zucker
Ms. Frankie B. Goldberg
Mr. Steven D. Bullock
Mr. Kevin Patrick Murphy
Mr. Peter R. Bernardo
Mr. Frank Consolo
Mr. Steven Sims

Also Present: Clerk of Council Nancy E. English
Law Director Kenneth J. Fisher
Finance Director Arman R. Ochoa
Chief of Police Gary Stehlik
Fire Chief John Pitchler
Service Director Christopher Vild
Community Coordinator Walter Stinson
Building Commissioner William C. Nadeau
City Engineer Joseph R. Ciuni

Minutes of the regular meeting held on March 17, 2008

MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to approve the minutes of the March 17, 2008 meeting. On roll call, all voted "aye."

Minutes of the special meeting held on March 31, 2008

MOTION BY MS. GOLDBERG, SECONDED BY MR. CONSOLO to approve the minutes of the March 31, 2008 meeting. On roll call, all voted "aye," except Mrs. Zucker, who "passed."

Reports and Communications from the Mayor and the taking of action:

Mayor Rothschild read a letter, dated April 7, 2008, from Mr. Stephen B. Doucette, attorney, representing Waterway Gas & Wash Company (Waterway) into the record. The letter indicated that Waterway was withdrawing its application to construct a car wash, gas station and convenience store on the retail strip located at 2216 Warrensville Center Road due to the U-3 District zoning issue. The letter also indicated that Waterway's re-submittal will take into account the U-3 District.

Law Director Kenneth J. Fisher reported that on March 31, 2008 Waterway presented the additional documents as requested by the City Council on February 28, 2008. He noted that City Engineer Joseph R. Ciuni submitted a letter dated April 2, 2008, detailing his review of the plans. Upon review of the existing condition site plan and survey, Mr. Ciuni identified an encroachment of the proposed building into the U-3, Automobile Parking District. Mr. Fisher stated as of this date, Waterway has withdrawn its application. He noted that they have a right to resubmit, but they must comply with both the U-7 and U-3 Districts.

Comments from the Audience:

Harvey Morrison, 2424 White Road, inquired into the status of the reconstruction of University Parkway. City Engineer Joseph Ciuni responded that plans have been prepared for the reconstruction of the street. He stated that the waterline portion of the project has been funded through the Cleveland Water Department. Although there is not a formal agreement, this portion of the project is scheduled to occur this summer. Mr. Ciuni added that once the waterline is replaced, then the City will apply for Issue 2 funding to replace the roadway. Mayor Rothschild added that the replacement of the waterlines is occurring under the new agreement with the City of Cleveland Water Department.

Ken Iker, 2462 Laurelhurst Drive, inquired into the status of repairs to the parking garage at University Square. Mayor Rothschild replied that the current owner of University Square, Inland US Management, will make repairs to the garage at its cost. She noted that plans for the repairs have already been submitted to the City for review.

Agenda Items:

A. Ordinance No. 2008-10 Establishing Section 1620.04 of the Codified Ordinances to establish penalties for submitting erroneous or false statements of compliance for fire protection systems (2nd Reading)

Ordinance No. 2008-10, which was placed on first reading on March 17, 2008, establishes Section 1620.04 of the Codified Ordinances by establishing penalties for installing contractors who submit erroneous or false statements of compliance fire protection systems.

Fire Chief John Pitchler reported that the ordinance was introduced because an improperly installed fire protection system is a life safety issue. He explained that the ordinance will require the installing contractor to submit a Statement of Compliance that the fire protection system has been installed in accordance with approved plans and has been tested in accordance with the manufacturer's specifications. He noted that when the Fire Department performs the acceptance test on the system and it fails, the ordinance authorizes a penalty of \$250 for the first violation and \$500 for each subsequent violation. Chief Pitchler noted that the amounts as specified in the penalty section of the ordinance were amended after its first reading to reflect the increased amounts.

Chief Pitchler noted that Ordinance No. 2008-10, which deals with the acceptance test, constitutes Part A of a two part process. He noted that Part B will be the annual maintenance test, which he is presently working on.

Mr. Bullock reported that the Safety Committee considered the ordinance at its meeting on April 2, 2008. He reiterated that this ordinance is step one and the committee will be coming back to Council with step 2 at its next meeting. Mr. Bullock stated that the Safety Committee recommended that Ordinance No. 2008-10 be approved.

MOTION BY MR. BULLOCK, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2008-10 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

B. Motion authorizing payment to the Bureau of Workers Compensation for 2007 premiums

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to authorize payment to the Ohio Bureau of Workers' Compensation in the amount of \$170,246 for 2007 premiums. On roll call, all voted "aye."

C. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters

MOTION BY MS. GOLDBERG, SECONDED BY MR. CONSOLO to hold an executive session for the purpose of discussing the possible purchase of real property and also personnel matters. On roll call, all voted "aye."

Directors' Reports:

Finance Director Arman Ochoa reported that HR 3359, which is pending in the Federal House of Representatives, limits the authority of states and municipalities to tax income of non-residents who work in the city less than 60 days per year. Mr. Ochoa explained that the City would lose the income tax revenue of construction workers who work in the city for a short period of time. He noted that letters of opposition will be sent to our federal legislators and the members Judiciary Committee of the House of Representatives.

Community Coordinator Walter Stinson reported that the preparation of the Summer Recreation Booklet is on schedule and will be mailed out to the residents before the end of April.

Committee Reports:

Building Committee Chairman Peter R. Bernardo reported that he met with Building Commissioner William Nadeau on the pending items on the Building Committee's agenda. He noted that they reviewed the map of current housing throughout the city showing rentals, vacancies and property for sale. He added that they also reviewed the proposed structural reinforcements for the University Square parking garage. Mr. Bernardo stated that he does not anticipate a need to hold a committee meeting in the near future.

Recreation Committee Chairman Frankie Goldberg reported that the meeting of the Recreation Advisory Committee has been rescheduled from Tuesday, April 8, 2008 to Wednesday April 23, 2008 at 7:00 p.m. in Council Chambers.

Safety Committee Chairman Steven D. Bullock reported that his committee met on Wednesday, April 2, 2008; minutes have been distributed. The agenda included discussion of Ordinance No. 2008-10, which was passed at this meeting. They also discussed potential landscaper registration and decided not to recommend registration for landscapers at this time. However, the committee would like action taken to improve communications with residents regarding the responsibility and expectations of the residents, homeowners and landscapers. The committee also discussed concerns about traffic safety at the intersection of S. Belvoir Blvd., Silsby and Wrenford Roads. In reviewing the accidents in that area, there has been as many as five and as few as two in a year. Mr. Bullock stated that while there is a need to take action at the intersection, the committee does not recommend a traffic light. He noted that they would rather focus on safety for children and consider new traffic calming techniques such as signage and raised areas on the roadway. A cost estimate will be obtained and brought back to the committee. Another suggestion that was discussed was drivers' education.

Mr. Bullock reported that a meeting of his committee will be scheduled for next week.

There being no further business to discuss, the meeting was recessed into an executive session. Following the executive session, the meeting was adjourned.

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council